

**REMARKS**

Claims 1-10 and 12-29 were pending in the application. Claims 1, 13, and 20 have been amended. Claims 30-32 have been added. No new subject matter has been added. New claims 30-32 are supported by prior claims 1, 13, and 20. Accordingly, claims 1-10 and 12-32 remain pending after entry of the present amendment.

**Claim Objections**

In the present Office Action, claims 1, 13, and 20 are objected to because of informalities: The term “automatically” is said to be not detailed enough. Applicant has amended claims 1, 13, and 20 to remove the term “automatically” and added new claim 30, in which the term “automatically” is clarified. In view of these amendments, Applicant submits that the objection is overcome.

**35 U.S.C. § 102 rejections**

In the present Office Action, claims 1, 2, 3, 4, 5, 13, 20, 28, and 29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US Publication No. 20030066084 (hereinafter “Kaars”). Applicant has carefully reviewed the reference and notes there are recited features that are not disclosed therein. Accordingly, the Applicant traverses the above rejections and requests reconsideration in view of the following comments.

Claim 1, as amended, recites:

“A client for use in a television system, wherein the client is located in a television viewer home and comprises:

- a receiver configured to receive a programming signal;
- an interface configured to communicate with a secondary device external to the client; and
- a transcode subsystem coupled to the receiver and the interface, wherein the transcode subsystem is configured to:
  - detect a communication from the secondary device;

determine a target data format corresponding to the secondary device;  
convey a request to an external entity for a transcode subunit corresponding to said target data format, in response to determining the transcode subsystem is not configured to support said target data format;  
retrieve the transcode subunit from an external entity, responsive to the request;  
receive data targeted to the secondary device, wherein the received data comprises a first data format;  
determine whether the first data format is compatible with the secondary device;  
identify the transcode subunit as corresponding to both the first data format and the target data format, in response to determining the first data format is not compatible with the secondary device; and  
initiate transcoding of the received data from the first data format to the target data format using the transcode subunit.

In the present Office Action, it is suggested that Kaars teaches all of the features of claim

1. In particular, it is suggested on page 4 that Kaars teaches "wherein the transcode subsystem is configured to "detect a communication from the secondary device" at paragraph 29. Applicant previously argued that Kaars does not teach a communication from the secondary device is detected by a transcode subsystem, wherein data is targeted to the secondary device. Rather, Kaars discloses receiving user input indicating a playback device. In the Office Action, the examiner states:

"Kaars teaches that the user interface could be implanted on a television (or other display), which referring to figure 1 would be an external device (part 120) to the transcoding subsystem (100)."

However, Kaars specifically teaches:

"The user interface 116 is, e.g., a simple keypad that accepts codes for different output devices whose data format is stored in the memory 114, which tells the processor which transcoding program to use. It is contemplated that the user interface 116 is also a wireless interface, such as an interactive display on a television, for example a wireless cursor system with various menu levels to enhance user interfacing. Whatever form the user interface takes; the function of the user interface 116 is to enable the user to provide information based upon

which the processor transcodes the data.” (Kaars, [0022])

As may be seen from the above, Kaars merely discloses that the user interface may be wireless and that its menu may be displayed on a television. However, the teachings of Kaars do not disclose or require a communication from the television back to the transcoding subsystem in order to display a user interface menu. Kaars is silent as to how the user input is conveyed to the user interface in the transcoding device. Assuming for the sake of argument that the television is the target secondary device, there are numerous ways this might be done that do not involve “a communication from the secondary device,” as recited. The television could be configured to receive communications from the transcoding unit and in response, display a menu from which the user makes a selection. The user’s selection may then be conveyed from the user directly to the user interface in the transcoding device, for example via an infrared signal from a handheld remote control. The user inputs would not need to be routed through the secondary device.

Moreover, it does not make sense to display a user interface menu on the secondary device for the purpose of selecting a format in which to display data, since the menu itself must be properly formatted in order to be displayed. Unless the format is pre-determined, the user input menu needed by Kaars to provide a menu for selecting the transcoding would itself require transcoding. Accordingly, Applicant finds no teaching or suggestion in Kaars of “an interface configured to communicate with a secondary device external to the client; and a transcode subsystem coupled to the receiver and the interface, wherein the transcode subsystem is configured to: detect a communication from the secondary device,” as is recited in claim 1. For at least these reasons, Applicant submits that claim 1 is patentably distinct from the cited art. As independent claims 13 and 20 recite features similar to those of claim 1, independent claims 13 and 20 are believed patentably distinct from the cited art for similar reasons.

#### 35 U.S.C. § 103 rejections

In addition to the above, claims 8, 17, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Publication No. 2003/0110513 (hereinafter

“Plourde”). Applicant respectfully traverses these rejections for at least the above reasons in view of the fact that these rejections rely on a combination that includes the teachings of Kaars as discussed above.

Furthermore, in the present Office Action, on pages 2-3, the Examiner disagrees with Applicant’s previous argument regarding claim 8, suggesting that Plourde indeed teaches, “a device wherein the downloading of the content is not allowed if the bit-rate is too high (and therefore the resulting file would be too large).” However, this teaching of Plourde addresses only a portion of Applicant’s previous argument. Applicant argued that Plourde provided no teaching or suggestion that a “transcode subsystem is configured to discard the received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available.” (Emphasis added). It is noted that (at least) two conditions are recited in response to both of which, the received data is discarded. While not conceding the point of whether or not a bit-rate that is too high is equivalent to a data format that is not compatible (the first condition), Applicant submits that there is no mention at all of a transcode subunit not being available (the second condition) in Plourde. Accordingly, Applicant reiterates that Plourde fails to teach or suggest that a “transcode subsystem is configured to discard the received data in response to determining the first data format is not compatible with the secondary device, and determining no transcode subunit corresponding to both the first data format and the target data format is available,” as is recited in claim 8. For at least these reasons, Applicant submits that claim 8 is patentably distinct from the cited art, taken either singly or in combination. As claims 17, 24, and 26 recite features similar to those of claim 8, claims 17, 24, and 26 are believed patentably distinct from the cited art for similar reasons.

In addition to the above, claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Patent No. 6,532,593 (hereinafter “Moroney”). Applicant respectfully traverses these rejections in view of the fact that these rejections each rely on a combination including the teachings of Kaars as discussed above.

Additionally, claim 12 recites further distinguishable features. In the rejection of claim

12, the Examiner states that “Kaars does not disclose a client of claim 1, wherein the client is further configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device.” Instead, Moroney is cited as disclosing these features at column 8, lines 19-22. However, Applicant finds no such disclosure in Moroney. In the present Office Action, the Examiner further suggests Moroney teaches:

“a first request (user inputting the quality level), which communicates to the storage device the codec at which to store the resulting program without communicating what specific codec to use (only gives a broad descriptor; and not the specifics e.g. MPEG2 at 700kbps).”

However, Applicant submits a “broad descriptor” is in fact an indication of a data format required by said secondary device. Therefore, Applicant finds no teaching or suggestion in Moroney of a client “configured to: receive a first request from the secondary device for remote data; and generate a second request corresponding to said first request, wherein said second request does not include an indication of a data format required by said secondary device,” as is recited in claim 12. For at least these reasons, Applicant submits that claim 12 is patentably distinct from the cited art, taken either singly or in combination.

Also, new claims 30-32 recite further distinguishable features. For example, claim 30 recites the client as recited in claim 1, wherein the transcode subsystem is further configured to automatically retrieve the transcode subunit from an external entity without receiving a user request for the transcode unit. These features are not found anywhere in the cited art. Kaars discloses:

“Next, in step 206, the system checks if the user has input, through user interface 116, an indication of a particular playback device. This can be done in the form of a numeric code. If the user has not, the system repeats step 206 until there is an input of the indication of a playback device. If the user has entered a playback device code, the process continues to step 207, where the input signal is analyzed in view of the input device to determine if the formats are compatible and thus whether transcoding is needed. If not, the processing continues at step 218 shown

in FIG. 2B and described below. If transcoding is required, the process continues to step 208 wherein the processor 112 retrieves the transcoding information from memory 114. The transcoding information of various output devices is stored in memory 114. In the event new output device is introduced into the market, the system can download via a data network, for example the Internet, new transcoding algorithms and format information.” (Kaars, paragraph [0028]).

However, as may be seen from the above, retrieval of transcoding information depends on a user input indicating a particular playback device requiring a corresponding transcoder. Therefore, Applicant finds no teaching or suggestion in Kaars of “the transcode subsystem is further configured to automatically retrieve the transcode subunit from an external entity without receiving a user request for the transcode unit,” as is recited in claim 30. Nor are these features found in the other references. For at least these reasons, Applicant submits that claim 30 is patentably distinct from the cited art, taken either singly or in combination, as are claims 31 and 32 for similar reasons.

In addition, dependent claims 6, 7, 14, 15, 16, 21, 22, 23, and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Patent No. 6,449,767 (hereinafter “Krapf”). Finally, dependent claims 9, 10, 18, 19, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaars in view of U.S. Publication No. 2002/0104019 (“Chatani”). Applicant respectfully traverses these rejections for at least the reason that each relies on a combination including the teachings of Kaars as discussed above.

In view of the above, Applicant submits all pending claims are patentably distinguished from the combination of cited art.

**CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5266-04300/RDR.

Respectfully submitted,

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Date: February 15, 2008